

ATTACHMENT 2

2.0 ELIGIBLE APPLICANT DOCUMENTATION

The City will address each of the following questions regarding it's authority as applicant to enter into a funding agreement. The response to each question must include a citation of statutory authority or other reference.

1. Is the applicant a local public agency as defined in CWC 10701(a)?

Yes. According to California Water Code 10701(a): As used in this part, "local agency" means any city, county, district, agency, or other political subdivision of the state for the local performance of governmental or proprietary functions within limited boundaries."

2. Does the applicant have the legal authority to enter into a funding agreement with the State of California?

Yes. The City of Banning was incorporated as a general law city February 6, 1913.

3. What is the statutory authority under which the applicant was formed and is authorized to operate?

California Constitution, Article 11, Section 9 provides as follows:

(a) A municipal corporation may establish, purchase, and operate public works to furnish its inhabitants with light, water, power, heat, transportation, or means of communication. It may furnish those services outside its boundaries, except within another municipal corporation which furnishes the same service and does not consent.

(b) Persons or corporations may establish and operate works for supplying those services upon conditions and under regulations that the city may prescribe under its organic law. Government Code Section 37112 provides that: In addition to other powers, a [city's] legislative body may perform all acts necessary or proper to carry out the provisions of this title.

4. Is the applicant required to hold an election before entering into a funding agreement with the State?

No

5. Will the funding agreement between the applicant and the State of California be subject to review and/or approval by other government agencies?

No

6. If yes to 4, identify all such agencies.

N/A

7. Describe any pending litigation that may impact the financial condition of the applicant or the applicant's ability to complete the proposal. If none is pending, so state.

There is no pending litigation that may impact the City's ability to complete the proposal.